## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS **HOUSTON DIVISION**

MOLLY SOSTAND AND RAYMOND SOSTAND, INDIVIDUALLY AND AS THE REPRESENTATIVES OF THE ESTATE OF CHRISTOPHER GEORGE SOSTAND, **DECEASED** 

Civil Action No. 4:07-cv-03858

VS.

KANSAS CITY SOUTHERN RAILWAY COMPANY

## AGREED MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MOLLY SOSTAND AND RAYMOND SOSTAND, INDIVIDUALLY AND AS THE REPRESENTATIVES OF THE ESTATE OF CHRISTOPHER GEORGE SOSTAND, DECEASED, Plaintiffs, and Defendants KANSAS CITY SOUTHERN RAILWAY COMPANY, RAILPROS, INC. and LEWIS E. CUNNINGHAM in the above-styled and numbered cause, and move to dismiss with prejudice to the refiling of same all claims and causes of action of Plaintiffs against Defendants KANSAS CITY SOUTHERN RAILWAY COMPANY, RAILPROS, INC. and LEWIS E. CUNNINGHAM.

All costs of Court to be paid by the party incurring same.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, MOLLY SOSTAND AND RAYMOND SOSTAND, INDIVIDUALLY AND AS THE REPRESENTATIVES OF THE ESTATE OF CHRISTOPHER GEORGE SOSTAND, DECEASED, and Defendants KANSAS CITY SOUTHERN RAILWAY COMPANY, RAILPROS, INC. and LEWIS E. CUNNINGHAM pray that the foregoing Agreed Motion to Dismiss With Prejudice be granted.

Respectfully submitted,

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-and-

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Attorneys for Defendants RailPros, Inc. and

Lewis E. Cunningham

## Certificate of Service

I hereby certify that a true and correct copy of the foregoing instrument w	as served
upon the parties listed below by facsimile, certified mail, return receipt requested,	
U.S. mail, electronic mail by the clerk of the court, and/or by messenger on the	181
day of March, 2010.	

Hames M. Corbett

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